

July 9, 2013  
**FOR IMMEDIATE RELEASE**

## Summary of June 27-28, 2013, Board Meeting

**The following is a summary of June 27-28, meeting of the Iowa Board of Medicine.**

**Cases Reviewed:** The Board reviewed 154 cases.

**New Investigative Cases:** The Board reviewed 39 new investigative cases.

### **Combined Statement of Charges and Settlement Agreements:**

The Board approved 10 Combined Statement of Charges and Settlement Agreements.

1. An Iowa-licensed physician who formerly practiced radiology in Union, Kentucky, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 28, 2013. He has an active Iowa medical license. On January 4, 2013, the physician pleaded guilty to one Count of Illegal Use of a Minor in Nudity Oriented Material or Performance, a felony in the fifth degree, in Hamilton County, Ohio. He secretly and repeatedly videotaped a teenage child in his home using a hidden camera. He was ordered to perform 200 hours of community service, pay a \$2,500 fine and register as a sex offender. On February 6, 2013, the Commonwealth of Kentucky Board of Medical Licensure (Kentucky Board) suspended the physician's Kentucky medical license based on the criminal conviction in Ohio. Under the terms of the June 28, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
2. An Iowa-licensed physician who currently practices family medicine in Santa Rosa, California, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 28, 2013. The physician's Iowa medical license went inactive due to nonrenewal on October 1, 2004. On May 25, 2012, the physician was disciplined by the Medical Board of California (California Board). The California Board alleged that she prescribed excessive controlled substances to a single patient between August 2006 and May 2010. The California Board placed the physician on probation for a period of three years subject to certain terms and conditions. Under the terms of the June 28, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered her Iowa medical license.

3. An Iowa-licensed physician who formerly practiced internal medicine in Iowa City, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 28, 2013. On November 29, 2011, the physician entered into a Physician Health Contract with the Iowa Physician Health Program. Under the terms of the June 28, 2013, combined Statement of Charges and Settlement Agreement, the Board charged the physician with violating the terms of his Physician Health Contract by failing to attend three required counseling sessions between May 9, 2012, and September 15, 2012. The Board issued the physician a Citation and Warning and ordered him to pay a \$1,000 civil penalty.
4. An Iowa-licensed physician who currently practices family medicine in Getzville, New York, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 28, 2013. The physician's Iowa medical license went inactive due to nonrenewal on April 1, 1998. On July 23, 2008, the physician was disciplined by the New York State Board for Professional Medical Conduct (New York Board). He admitted engaging in misconduct when he performed one or more inadequate examinations of a female patient's breasts in 2005. The New York Board placed the physician on probation for a period of three years subject to certain terms and conditions. Under the terms of the June 28, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
5. An Iowa-licensed physician who currently practices medicine in Foothill Ranch, California, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 28, 2013. The physician's Iowa medical license went inactive due to nonrenewal on January 1, 1990. On February 6, 2002, the Medical Board of California (California Board) issued the physician a public reprimand for maintaining inadequate medical records. On November 18, 2011, the physician was disciplined by the California Board. The California Board alleged that he perforated a patient's esophagus while performing surgery in November 2005. The California Board placed the physician on probation for a period of five years subject to certain terms and conditions. Under the terms of the June 28, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
6. An Iowa-licensed physician who formerly practiced family medicine in Des Moines, Iowa, and emergency medicine in several locations in Iowa, entered into a combined Statement of Charges and Settlement Agreement on June 28, 2013. The Board received information which indicates that the physician suffers from a physical or neurological condition which impairs his ability to practice medicine with reasonable skill and safety. Under the terms of the June 28, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
7. An Iowa-licensed physician who formerly practiced medicine in Key West, Florida, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 28, 2013. The physician's Iowa medical license went inactive due to nonrenewal on July 1, 1989. On March 12, 2012, he was disciplined by the Florida Department of Health (Florida Board). The Florida Board alleged that he prescribed inappropriate or excessive quantities of controlled substances, failed to provide appropriate monitoring, and failed to maintain appropriate medical records in his treatment of five patients in Key West, Florida. The Florida Board prohibited the physician from prescribing any Schedule II-IV controlled substances and from practicing medicine in a pain management clinic. Under the terms of the June 28, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.

8. An Iowa-licensed physician who currently practices psychiatry in Green Bay, Wisconsin, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 28, 2013. The physician's Iowa medical license went inactive due to nonrenewal on December 1, 1997. On October 20, 2010, he was disciplined by the Wisconsin Medical Examining Board (Wisconsin Board). The Wisconsin Board alleged that he engaged in a pattern of inappropriate prescribing in his treatment of three patients between September 2005 and June 2009. The Wisconsin Board issued the physician a public reprimand, ordered him to pay \$3,575 in costs, and restricted his ability to prescribe opiates. Under the terms of the June 28, 2013, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to fully comply with the terms established by the Wisconsin Board. The Board also prohibited him from prescribing, administering or dispensing any controlled substance for any patient for more than 30 days in any 12 month period under his Iowa medical license until he demonstrates that he is safe to do so. The physician must also provide the Board written notice at least ninety (90) days prior to seeking reinstatement of his Iowa medical license.
9. An Iowa-licensed physician who currently practices internal medicine in Indianapolis, Indiana, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 28, 2013. The physician's Iowa medical license went inactive due to nonrenewal on September 1, 1989. On June 20, 2012, he was disciplined by the Wisconsin Medical Examining Board (Wisconsin Board). The Wisconsin Board alleged that he prescribed excessive amounts of opioids; failed to perform frequent urine drug screens; failed to perform frequent pill counts; failed to consult collateral sources; misinformed a patient regarding the long-term effects of opioids; and failed to reduce or stop the medications he prescribed to three patients between 2006 and 2011. The Wisconsin Board also expressed concerns that he failed to adequately safeguard prescription pads used in his clinic resulting in theft. The Wisconsin Board issued the physician a public reprimand and ordered him to pay \$3,600 in costs. The Wisconsin Board also restricted the physician's ability to prescribe opiates. He must practice under the oversight of a Professional Mentor approved by the Wisconsin Board. Under the terms of the June 28, 2013, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to fully comply with the terms established by the Wisconsin Board. The Board also prohibited him from prescribing, administering or dispensing any controlled substance for any patient for more than 30 days in any 12 month period under his Iowa medical license until he demonstrates that he is safe to do so. The Board also ordered him to successfully complete a Board-approved prescribing course for the appropriate treatment of chronic pain within ninety (90) days.
10. An Iowa-licensed physician who currently practices family medicine in Silver City, New Mexico, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 28, 2013. The physician's Iowa medical license went inactive due to nonrenewal on February 1, 2010. On July 18, 2008, he was disciplined by the North Carolina Medical Board (North Carolina Board). The North Carolina Board alleged that Zaslow engaged in unprofessional conduct when he prescribed controlled substances to patients via telephone conference without performing a physical examination and without any prior physician-patient relationship, assisted two telemedicine companies in the unauthorized practice of medicine in North Carolina, and engaged in inappropriate fee splitting with the two telemedicine companies. The North Carolina Board placed him on probation and ordered him to successfully complete a Board-approved prescribing course, prohibited him from prescribing medication for any person without first physically examining that person, and prohibited him from splitting fees with any business corporation. Under the terms of the June 28, 2013, combined Statement of

Charges and Settlement Agreement, the Board issued the physician a Citation and Warning, ordered him to fully comply with the terms established by the North Carolina Board, and ordered him to provide the Board written notice at least ninety (90) days prior to seeking reinstatement of his Iowa medical license.

**Settlement Agreements:** After the Board has determined that probable cause exists to take formal disciplinary action and formal disciplinary charges have been filed, the Board and the licensee may enter into a Settlement Agreement to resolve the pending disciplinary charges rather than hold a formal disciplinary hearing.

The Board approved 1 Settlement Agreement.

1. An Iowa-licensed physician who formerly practiced orthopedic surgery in Grinnell, Iowa, and general medicine in Grinnell, Iowa, and Lake in the Hills, Illinois, entered into a Settlement Agreement with the Board on June 28, 2013. On January 28, 2008, the Board charged the physician with professional incompetency and practice harmful or detrimental to the public in his orthopedic surgery practice. On February 12, 2009, he entered into a Settlement Agreement with the Board. The physician was prohibited from practicing surgery, required to complete a Board-approved mental health assessment and placed on indefinite probation subject to Board monitoring. The Board also issued him a Citation and Warning and ordered him to pay a \$5,000 civil penalty. On September 21, 2012, the Board charged the physician with engaging in professional incompetency, practice harmful to the public, sexual misconduct and unprofessional conduct. The Board alleged that he failed to provide appropriate care to numerous patients who were diagnosed with Lyme disease and that he engaged in an inappropriate sexual relationship with a female patient. Under the terms of the June 28, 2013, Settlement Agreement, the physician is prohibited from treating Lyme disease under this Iowa medical license. The Board also issued him a Citation and Warning and ordered him to pay a \$10,000 civil penalty. The physician may only practice medicine in a Board-approved practice setting. Prior to seeking approval of a practice setting, he must successfully complete a Board-approved sexual misconduct evaluation, comprehensive clinical competency evaluation and professional ethics program. He was also placed on indefinite probation subject to Board monitoring.

**Consent Agreements:** The Board and a licensee may enter into a Consent Agreement to resolve a pending disciplinary matter.

The Board approved 1 Consent Agreement.

1. An Iowa-licensed physician who formerly practiced family medicine in Grundy Center, Iowa, entered into a Consent Agreement with the Board on June 28, 2013. On March 19, 1997, the Board suspended the physician's Iowa medical license due to substance abuse. On August 23, 2000, the Board reinstated his license and placed him on probation for five years. On August 25, 2005, the Board terminated the probation. On November 15, 2012, the Board charged the physician with inappropriately prescribing controlled substances and performing an inappropriate and/or medically unnecessary physical examination on a young female patient. A hearing was held on March 21, 2013, and the Board issued a Findings of Fact, Conclusions of Law, Decision and Order on April 18, 2013. The Board concluded that he inappropriately prescribed controlled substances, particularly methadone, to patients with known substance abuse histories between 2009 and 2011. The Board also concluded that the physician's physical examination of a young female patient in his clinic on August 10, 2011, was performed incompetently.

The Board concluded that he did not have sufficient medical justification for his decision to perform a breast examination. Under the terms of the April 18, 2013, Findings of Fact, Conclusions of Law, Decision and Order, the Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty. The Board prohibited him from purchasing, procuring, possessing, administering or dispensing controlled substances. The Board ordered him to complete a Board-approved clinical competency evaluation and professional boundaries evaluation. The Board ordered him to have a Board-approved female healthcare professional chaperone continually present at all times while treating all patients under the age of 18 years old and while providing breast and/or pelvic examinations for any female patient. Finally, the Board placed him on indefinite probation subject to a Board-approved practice monitoring plan and Board monitoring. Under the terms of the June 28, 2013, Consent Agreement, the physician voluntarily surrendered his Iowa medical license effective June 1, 2013, in lieu of compliance with the terms and conditions of the April 18, 2013, Decision and Order.

**Termination Order:** The Board may issue a Termination Order after a licensee has successfully completed the terms of a disciplinary order.

The Board approved 1 Termination Order.

1. An Iowa-licensed physician who currently practices internal medicine in Guthrie Center, Iowa, had a Termination Order issued by the Board on June 28, 2013. On October 12, 2007, the physician entered into a Physician Health Contract with the Iowa Physician Health Program (IPHP) for substance abuse and mental health monitoring. On July 10, 2008, the Board charged the physician with violating the terms of the IPHP contract when he failed to comply with the IPHP drug screening program, repeatedly used an abusable drug without IPHP approval, and practiced medicine after he had agreed not to. On September 17, 2008, he entered into a Settlement Agreement with the Board to resolve the pending charges. Under the terms of the Settlement Agreement, he was placed on probation for a period of five years subject to counseling and Board monitoring. The Board also ordered him to pay a \$5,000 fine, issued him a Citation and Warning and ordered him to complete a Board-approved ethics program. On June 28, 2013, the Board voted to terminate the terms of his probation. His Iowa medical license is returned to its full privileges, free and clear of all restrictions.

**Withdrawal Order:** The Board may issue a Withdrawal Order when legally required to do so.

The Board approved 1 Withdrawal Order.

1. An Iowa-licensed physician who practices diagnostic radiology in Iowa City, Iowa, had a Findings of Fact, Conclusions of Law, Decision and Order, Statement of Charges and Settlement Agreement withdrawn by the Board on June 28, 2013. On June 21, 2010, the Board charged the physician with excessive use of alcohol which may impair her ability to practice medicine with reasonable skill and safety. A hearing was held on December 21, 2010. On January 24, 2011, the Board issued a Findings of Fact, Conclusions of Law, Decision and Order. The Board concluded that the physician engaged in the excessive use of alcohol which may impair her ability to practice medicine with reasonable skill and safety. The Board issued her a Citation and Warning and ordered her to pay a \$5,000 civil penalty. The Board placed her on probation for a period of five years subject to substance abuse counseling and Board monitoring. She was prohibited from consuming alcohol. On July 26, 2012, the Board filed new charges against the physician alleging that she violated the terms of the January 24, 2011, Decision and Order when she consumed alcohol and failed to pay the \$5,000 civil penalty in a timely

manner. She paid the \$5,000 civil penalty on July 16, 2012, almost 16 months after the civil penalty was due. On February 14, 2013, she entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board issued her a Citation and Warning and ordered her to pay a \$5,000 civil penalty. The Board placed her on probation for a period of five years subject to substance abuse counseling and Board monitoring. On April 24, 2013, the Iowa Court of Appeals issued an Order remanding the matter to the Board for entry of an order dismissing the disciplinary action taken against the physician. On June 28, 2013, the Board voted to withdraw the Findings of Fact, Conclusions of Law, Decision and Order, filed on January 24, 2011, the Statement of Charges filed on July 26, 2012, and Settlement Agreement filed on February 14, 2013.

**Dismissal Order:** The Board may issue a Dismissal Order when the circumstances prevent successful prosecution of a disciplinary matter.

The Board approved 1 Dismissal Order.

1. An Iowa-licensed physician who practices oncology in Cedar Rapids, Iowa, had formal disciplinary charges dismissed by the Board on June 28, 2013. On July 15, 2012, the physician was arrested and charged with Indecent Contact with a Child, an Aggravated Misdemeanor, in Johnson County, Iowa. On January 11, 2013, the Board filed formal disciplinary charges against the physician. The Board alleged that he touched the breast of a twelve year-old female houseguest and attempted to remove her tank top while she was attempting to sleep on March 10, 2012. The criminal charges were dismissed on May 11, 2013. On May 21, 2013, the State filed a Motion to Dismiss the disciplinary charges. The State indicated that since the filing of the disciplinary charges, the child's parents have decided that she is not able to participate in the prosecution of this case. On June 28, 2013, the Board voted to dismiss the disciplinary charges.

**Confidential Evaluation Orders:** If the Board receives evidence that a physician may suffer from physical, neurological, mental condition or substance abuse, the Board may issue a confidential evaluation order requiring the physician to complete an appropriate evaluation at a Board-approved program. Additionally, if the Board receives evidence that a physician lacks the appropriate knowledge or ability to practice medicine with reasonable skill or safety or that a physician has failed to provide appropriate care to patients, the Board may issue a confidential order requiring the physician to complete a competency evaluation at a Board-approved competency assessment program.

The Board voted to issue 1 confidential Evaluation Orders due to the following areas of concern:

1. The Board received information which indicates that an Iowa-licensed physician violated appropriate professional boundaries and/or engaged in a pattern of unprofessional conduct and/or sexual harassment in violation of the laws and rules governing the practice of medicine in Iowa. The information indicates that the physician engaged in a pattern of inappropriate comments and touching of a sexual nature in the workplace between 2011 and 2011. The Board ordered the physician to successfully complete a Board-approved comprehensive professional boundaries, unprofessional conduct and/or sexual harassment evaluation at a nationally recognized evaluation program within 60 days.

**Confidential Letters of Warning or Education:** When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue 12 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns that a physician violated the continuing medical education requirements of another state.
2. Concerns that a physician received a reprimand from another state medical board due to poor dermatological care.
3. Concerns that a physician received a reprimand from another state medical board due to concerns about the physician's prescribing practices.
4. Concerns that a physician received a reprimand from another state medical board due to concerns that he issued fraudulent prescriptions for his own use.
5. Concerns about a physician's surgical practice.
6. Concerns that a physician engaged in a pattern of unprofessional and threatening behavior toward a colleague.
7. Concerns that a physician failed to appropriately monitor a patient.
8. Concerns about a physician's prescribing to a patient.
9. Concerns that a physician prescribed to a patient without establishing an appropriate physician-patient relationship.
10. Concerns that a physician failed to appropriately document a patient's refusal of diagnostic testing.
11. Concerns about a physician's choice of diagnostic testing.
12. Concerns about a physician's choice of diagnostic testing.

**Board Appearances:** The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

The Board held 6 personal appearances.

1. Concerns about a physician's medical record keeping and allegations that he inappropriately touched a female patient.
2. Concerns about a physician's choice of diagnostic testing.
3. Concerns that a physician misread a patient's x-ray.
4. Concerns about a physician's prescribing to a patient.
5. Concerns that a physician was disciplined by another state medical board for improper prescribing.
6. Concerns about a physician's surgical practice.

**Monitoring Committee:** The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring.

The Monitoring Committee reviewed 15 cases involving physicians who are being monitored by the Board.

**Screening Committee:** The Screening Committee reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted.

The Screening Committee reviewed 21 cases.

**Licensure Committee:** The Licensure Committee is a committee that reviews initial license applications, renewals and reinstatements and other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Licensure Committee reviewed 13 licensure applications. Four permanent licenses were granted, two applications were left open to obtain further information, two temporary licenses were granted, one permanent license was reinstated, one permanent license application was withdrawn and three resident licenses were granted.

The Licensure Committee approved two Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the license application.

The Licensure Committee reviewed the minutes from the April 2013 maintenance of licensure pilot project meeting, reviewed information shared by Dr. Amos regarding his concerns with maintenance of licensure, and reviewed a request from the University of Arizona to approve the courses they offer in child abuse identification as meeting the board's requirement of an approved abuse education course. The Committee determined it was not able to approve the courses and the University of Arizona needed to submit their course curriculum to the Department of Public Health Abuse Education Review Panel for approval.

#### **In other action the Board:**

- Adopted the agency's budget of \$4,032,740 for fiscal year 2014. The budget is based on anticipated licensure fees in FY2014 and includes roll-over funds from FY2013, which ends June 30, 2013.. The FY2014 budget anticipates reductions in various fees as identified in proposed amendments to Iowa Administrative Code 653—Chapters 8, 9, and 10.
- Accepted a petition and approved a notice of intended action to amend 653 IAC Chapter 13 with the petition's language to establish standards of practice for physicians who prescribe and administer abortion-inducing drugs.
- Adopted and filed ARC 0692C, a noticed rule which recognizes a 1:5 ratio for physician supervision of a physician assistant.
- Adopted and filed ARC 0697C, a noticed rule which exempts the permanent licensure renewal fee and the continuing education requirements for physicians on full-time active duty in the U.S. armed forces, reserves or National Guard.
- Approved a notice of intended action to amend 653 IAC Chapter 1 to prevent a board member from serving more than one term as Board chair.
- Approved a notice of intended action to amend 653 IAC Chapters 8, 9, and 10 to reduce some licensure and copy fees and expand the range (from \$100 to up to \$300) per quarter for monitoring physicians under Board orders.
- Approved a notice of intended action to amend 653 IAC Chapter 13 to rescind obsolete rules for physician supervision of pharmacists who administer immunizations.
- Approved a notice of Intended action to amend 653 IAC Chapter 14 to update language in rules for the Iowa Physician Health Committee and the program for physicians with diagnosed impairments.
- Received a statistical report on the Iowa Physician Health Program. On June 1, 2013, there were 81 participants in the program. There were 17 new participants in the program since January 1, 2013, and 17 discharges during the same period.
- Received reports from the Iowa Attorney General's Office on seven Board cases under judicial review in state courts. The Board was also briefed on a recent Iowa Supreme Court



decision involving administrative rules permitting advanced nurse practitioners to supervise fluoroscopy.

**A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on July 3, 2013. If you have questions about this summary or Board's disciplinary action press release, please contact Kent Nebel, Legal Director, at (515) 281-7088 or [kent.nebel@iowa.gov](mailto:kent.nebel@iowa.gov).**